IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.MC.No. 5427 of 2003(C)

CC.444/2003 of JUDL. MAGISTRATE OF FIRST CLASS, KOTTAYAM

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PETITIONER: ACCUSED

GEORGE VARGHESE P., ADVOCATE
S/O. MATHEW GEORGE, PANDIAMYALIL HOUSE,
KANJIRAMATTAM P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SRI.M.R.NANDAKUMAR

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KOTTAYAM EAST POLICE STATION, KOTTAYAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.M.C.No.5427 of 2003(C)

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Dated this the 9th day of July, 2007

O R D E R

Petitioner is accused in C.C.No.444/2003 in the file of Judicial Magistrate of the First Class, Kottayam, for the offences under Section 143, 147, 323 and 341 I.P.C read with Section 149 of the I.P.C on the allegation that when the petitioner was a law college student, on 26/07/1995, boarded a bus and manhandled the victim.

2. The counsel for the petitioner contents that the offence under Section 143, 147 and 149 I.P.C will not lie as the petitioner is the sole accused. It is also contended that the final report has been filed and the court took cognizance of the offence only on 10/12/1997, that is, much more than one year subsequent to the date of occurrence, that is, 26/07/1995, and, hence, vide Section 468(2)(b) of the Code of Criminal Procedure, the act of cognizance is beyond the period of limitation

prescribed and further no application has been filed to excuse delay.

On a verification of the documents produced, that is, charge sheet and F.I.R, I find that the contentions are true. Hence, I find that the offences alleged cannot be sustained. Hence proceedings in C.C.No.444/2003 in the file of Judicial Magistrate of the First Class Court-I, Kottayam, is hereby quashed. Criminal M.C is allowed.

K.R.UDAYABHANU,
Judge

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